

Date: October 4, 2014  
To: Subdivision Review Board  
From: Avila Beach Committee of AVAC/Avila Valley Advisory Council  
Concerns: 10/6/14 hearing for CO 14-0021 & SUB2013000054

### COMMENTS

A CONTINUED HEARING IS REQUESTED. While staff's gracious efforts to clarify requirements are greatly appreciated, last minute project and staff report changes could not be adequately reviewed by the Avila Beach Committee. Because previous plan revisions were not provided in time for the Committee to meet and have its comments considered at an AVAC meeting, the following comments are from the Committee:

#### 1. Parking (23.04.166(5))

Two onsite spaces are required for each of the two proposed dwellings, plus a guest space "for each four units." The parking requirement evaluated in the staff report is for single family dwellings whereas the ordinance requires a different standard for "condominiums and other attached ownership dwellings." Proposed are two two-car garages and no guest parking space.

The parking requirement for two cars per unit might not be met because of insufficient area for vehicle maneuvering. The Site Plan attached to staff report, Page 5 of Attachment 5, shows garage ingress-egress maneuvering for one car without another in the garage. Another plan, A1.1, indicates ingress-egress for two side-by-side garaged cars with one of the cars being very small. Also, parking area in garages appears to be narrow which could discourage garage use. **Verification is needed that the garages would functionally accommodate two vehicles of at least standard size.**

Avila's parking shortage is well known and must not be additionally burdened by new development without adequate parking provisions. **The project should be revised to incorporate at least the minimum required number of onsite parking spaces, with all spaces verified as functional.**

#### 2. Setbacks (23.04.110a.(1) & F.(2))

The proposed project is for two attached residential units with each unit on a separate lot. However, staff interprets the "common wall" proposed for this two-unit separate ownership development as representing other than "common wall development." The staff report, Page 4, references applicable setbacks as being determined by 23.04.028d. However, this section only addresses that smaller parcel sizes can be established for "a condominium, planned development of similar residential unit ownership..." Setbacks are not addressed in this section.

Without the lot split the side setbacks would be 6 feet, or 10% of the lot width. Staff interprets that with the lot split 3 foot side setbacks, or 10% of the lot width, applies. This interpretation is despite the proposal for elimination of setbacks along one side of each new lot to accommodate a common wall between two dwellings.

SUBDIVISION REVIEW BOARD

AGENDA ITEM: #3 - MAVIS/ARNOLD  
DATE: OCTOBER 6, 2014

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"Common wall development" is described by 23.04.110f as any two dwelling units or their accessory garages which are constructed on adjoining lots without setbacks between them. One of the four requirements associated with common wall development is that side setbacks opposite the common wall property line have not less than two times the otherwise required minimum width. Therefore, 6 foot minimum side setbacks would be required. **The project should be revised to include 6 foot minimum side setbacks.**

### 3. Building height (23.04.122)

According to recent word from staff, Planning and the applicant now agree with the concern raised by AVAC that measurement of height should include the natural grade measured from building support poles-pilings. *It is recommended that the ordinance text be amended to clarify that intended measurement of height is from the exterior building support (whether poles, rocks or building walls).*

### 4. Aesthetics

On March 17 the Avila Beach Committee suggested to the applicant and staff that side setbacks be increased to address building bulk, and that they be landscaped. The two-residence common wall building would visually overpower the prominently located project site. Also suggested was color distinction between the two dwellings to visually divide the building mass. This would additionally improve aesthetic consistency with characteristic Avila Beach development. **Side setbacks should be at least doubled, plus landscaped. Colors should be different for each building exterior, including roofs.**

### 5. Vacation-rental (23.08.165c)

The use of both units as vacation rentals conflicts with the residential vacation rentals ordinance which states: "within the Avila Beach Community Service District boundaries, in all residential/recreational land use categories, no two (2) contiguous parcels (APN#s) shall be vacation rentals and no two (2) contiguous or adjacent units in a parcel (one APN#) shall have vacation rentals." Avila Beach residents support this requirement.

Vacation rentals for spacious two- bedroom dwellings with downstairs game rooms could be expected to generate more than two vehicles. **Additional onsite parking appears to be essential for vacation rentals to address Avila's parking shortage.**

The letter from "HEAL SLO" attached to the staff report supports densification of single family residential development. Assumed is that the proposed lot split would increase residential density. However, with vacation rentals neither lot would be residential.

### 6. CC&Rs

Conditions of Approval for the lot split tentative map address CC&Rs under item 15 in attachment 4. Included should be for CC&RS to require retention of approved colors.

## CONCLUSION

A revised project is necessary to address project deficiencies.

SRB: COLONY LOT 11

**PROJECT DESCRIPTION.** The project is proposed as a "planned development." **Common area elements should be described (and also mapped) for public review and decision authority consideration.**

**FLOOR AREA.** Title 23 appears to have few standards specifically applicable to planned development projects in the multifamily land use category. Generally, the applicable standards would be those for the multifamily land use category; cluster division is inapplicable. The project density is 15 per acre, which Title 23 and the Specific Plan term *low density* for multifamily. Density standards in the Specific Plan rely on Title 23. These density standards determine minimum open space and maximum floor area. Although the project would meet the density requirement for multifamily development and apparently would meet the 55% open space requirement, **the maximum gross floor area standard is greatly exceeded since 35% is required and 85% is proposed (23.04.104b).**

**SIDE SETBACKS.**

The proposed project would have two-storey internal stairwells adjacent to the side property lines, within the side setbacks. However, Exceptions to Setback Standards, 23.04.104b, appears to prohibit this. **Building elements over 30 inches high are not allowed within the setback.** Exterior maintenance of the stairwells would be impossible as proposed.

The staff report indicates that the following section guides planned development projects, including side setbacks. However, the section appears only to guide parcel sizes:

**23.04.028**

**d. Condominiums:** A condominium, planned development or similar residential unit ownership project pursuant to Section 66427 et seq. of the Subdivision Map Act may use smaller parcel sizes to be determined through Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval, provided that:

- (1) The common ownership external parcel is in compliance with the provisions of this section; and
- (2) The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

The staff report also indicates that the requirement for common wall development only applies to existing parcels. However, the standard does not specify such.

**23.04.110**

**f. Side setbacks for special development types:**

- (1) **Airspace condominiums.** The side setback for a building constructed within a common-ownership parcel on a smaller individually-owned parcel or within airspace, shall be the same as required for interior setbacks by Section 23.04.114 (Interior Setbacks and Open Areas).
- (2) **Common wall development:** Any two dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:
  - (i) The setback has been eliminated through Subdivision Map or Development Plan approval; and
  - (ii) A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
  - (iii) The side setbacks opposite the common wall property line are not less than two times the minimum width required by this section.
  - (iv) Common wall construction is in compliance with the Uniform Building Code.

SUBDIVISION REVIEW BOARD

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